

SECOND REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 657**  
**90TH GENERAL ASSEMBLY**

Reported from the Committee on State Parks, Natural Resources & Mining, April 10, 2000, with recommendation that the House Committee Substitute for Senate Committee Substitute for Senate Bill No. 657 Do Pass.

ANNE C. WALKER, Chief Clerk

3011L.04C

**AN ACT**

To repeal sections 253.180 and 270.170, RSMo 1994, and sections 252.043 and 252.230, RSMo Supp. 1999, relating to wildlife offenses and to enact in lieu thereof seven new sections relating to the same subject, with penalty provisions.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 253.180 and 270.170, RSMo 1994, and sections 252.043 and 252.230, RSMo Supp. 1999, are repealed and seven new sections enacted in lieu thereof, to be known as sections 252.035, 252.043, 252.230, 253.180, 270.170, 270.260 and 271.400, to read as follows:

**252.035. 1. In addition to the penalties provided in section 252.040, any person taking, killing, possessing or disposing of a deer, except as permitted by commission rules and regulations, shall be required to provide restitution to the state in an amount as follows:**

**(1) For each antlered deer with a certified uncured Boone & Crockett score of less than one hundred points, five hundred dollars;**

**(2) For each antlered deer with a certified uncured Boone & Crockett score of at least one hundred points and not more than one hundred twenty-five points, one thousand five hundred dollars;**

**(3) For each antlered deer with a certified uncured Boone & Crockett score of at least one hundred twenty-five points and not more than one hundred fifty points, three thousand dollars;**

**(4) For each antlered deer with a certified uncured Boone & Crockett score of at least one hundred fifty points and not more than one hundred seventy points, five thousand five hundred dollars;**

**(5) For each antlered deer with a certified uncured Boone & Crockett score of one hundred seventy points or more, seven thousand five hundred dollars.**

**2. Moneys collected pursuant to this section shall be deposited in the state treasury to the credit of the commission.**

**3. Moneys collected pursuant to this section shall be considered as restitution to the**

**EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

citizens of the state and shall not be considered penalties, forfeitures, or fines for the purposes of article IX, section 7, of the Constitution of Missouri.

**4. The commission may allocate up to twenty-five percent of the moneys collected pursuant to this section for grants to promote anti-poaching activities.**

252.043. 1. The commission may suspend, revoke or deny a hunting permit or privilege for a maximum of five years when a person, while hunting, inflicts injury by firearm or other weapon to another person who is mistaken for game. No suspension, revocation or denial shall occur until an opportunity has been afforded for a hearing before the commission. Any person who is determined by the commission to have inflicted injury by firearm or other weapon shall be required to successfully complete a department-approved hunter safety course before his or her hunting permit or privilege shall be restored. The commission's proceeding shall be a contested case pursuant to chapter 536, RSMo, and any person aggrieved by a final decision shall be entitled to judicial review as provided in chapter 536, RSMo.

**2. If any person fails to appear at a hearing or fails to pay a fine imposed for any violation of section 252.040, the court shall notify the commission of such person's actions for the commission's consideration of the suspension, revocation, or denial of such person's permit or privilege to pursue, take, kill, possess or dispose of wildlife.**

252.230. 1. Except as provided in subsection 2 of this section, any person violating any of the provisions of sections 252.010 to 252.240 wherein other specific punishment is not provided, and any person violating any of such rules and regulations relating to wildlife, shall be guilty of a class A misdemeanor.

2. Any person violating any rules and regulations relating to wildlife shall be guilty of a class B misdemeanor unless such rules and regulations pertain to the provisions of sections 252.010 to 252.043 or sections 252.050 to 252.241.

**3. (1) An individual who has pleaded guilty to or has been convicted of a class B misdemeanor for a first offense of violating any of the provisions of sections 252.010 to 252.240 shall have any official court record of such arrest, plea, trial and conviction automatically expunged upon completion of time served pursuant to sentencing or satisfactory payment of any fine imposed.**

**(2) The court shall provide notification of such expungement to the director of the department of conservation.**

**(3) The effect of such expungement shall be to restore such person to the status he or she occupied prior to such arrest, plea or conviction. No person as to whom such expungement has been granted shall be held thereafter under any provision of any law to be guilty of perjury or otherwise giving false statement by reason of his or her failure to recite or acknowledge such arrest, plea, trial, conviction or expungement in response to any inquiry made of him or her for any purpose whatsoever and no such inquiry shall be made for information relating to an expungement pursuant to this section.**

**(4) Such expungement shall not restore privileges in cases where any permit or license issued by the conservation commission is revoked or suspended.**

**(5) A person shall only be entitled to one expungement pursuant to this section for offenses relating to a single course of conduct when the offender has committed no prior violations pursuant to sections 252.010 to 252.241.**

**(6) Nothing contained in this section shall prevent the director of the department of conservation from maintaining such records to ensure that an individual receives only**

one expungement pursuant to this section for the purpose of informing the proper authorities of the contents of any record maintained pursuant to this section or to consider such records in the suspension or revocation of a permit or license issued by the conservation commission.

253.180. **1.** No person shall allow any domestic or other animal under [his] **such person's** control or ownership to range within any state park at any time.

**2. No person shall release any swine to live in a wild or feral state within any state park.**

270.170. **1.** If any swine or sheep shall be found running at large, contrary to the provisions of this chapter, it shall be lawful for any person on whose premises said swine or sheep shall be found to restrain the same forthwith, and give the owner, if known, notice in writing that [he] **such person** has restrained said swine or sheep, and the amount of damages [he] **such person** claims in the premises, and requiring the owner to take said swine or sheep away and pay such damages; and such owner shall pay such person a reasonable sum for taking up, feeding and caring for the same, and the actual damages done by said swine or sheep. If such owner fails to comply with the provisions of this section within three days after receiving such notice, or if the owner of such swine or sheep be unknown, such swine or sheep shall be disposed of in the manner provided for in section 270.180.

**2. Any swine not conspicuously identified by ear tags or other forms of identification and that were born in the wild or lived outside of captivity long enough to be wild by nature as indicated by hiding from humans and being nocturnal, shall be considered feral hogs and any person may take or kill such feral hogs on such person's own property.**

270.260. Any person who knowingly releases any swine to live in a wild or feral state upon any public land or any private land not completely enclosed by a fence capable of containing such animals is guilty of a class A misdemeanor. Each swine released shall be a separate offense.

271.400. **1.** For the purposes of this section, "feral hog" means any hog (*Sus scrofa*) including Russian and European wild boar which is not conspicuously identified by ear tags or other forms of identification and which is roaming freely upon public or private lands without the landowner's permission.

**2. A person may kill a feral hog roaming freely upon such person's land. The person shall not be liable to the owner for the loss of the hog.**

**3. Any person may take or kill feral hogs on public land or private land with the consent of the landowner. The person shall not be liable to the owner for the loss of the hog.**